

Message Text

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PAGE 01 PARIS 31201 311407Z

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ACTION L-02

INFO OCT-01 ARA-06 EUR-12 ISO-00 JUSE-00 SCA-01 SNM-02

DEAE-00 RSC-01 /025 W

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R 311357Z DEC 74

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 5500

INFO AMCONSUL MARTINIQUE

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E.O. LL652: N/A

TAGS: CPRS, PFOR, SNAR, FR, MB

SUBJECT: EXTRADITION - BETTANCOURT ET AL

REF: DEPT. 282699

L. EMBASSY HAS DISCUSSED CONTENT OF REFTEL WITH FRENCH FOREIGN OFFICE (DOMPGNAC-LATOURE) WHO DURING PART OF CONVERSATION WAS IN TELEPHONIC CONSULTATION WITH JUSTICE MINISTRY (FROMONT).

2. FRENCH FIND IT DIFFICULT FULLY TO UNDERSTAND, OR AT LEAST TO ACCEPT, CONCEPT OF "PERFECTING PROVISIONAL ARREST" AS DESCRIBED BY DEPARTMENT AND AS EXPLAINED BY EMBASSY. HOWEVER, WE BELIEVE THERE IS NO BASIC DIVERGENCE BETWEEN OUR TWO POSITIONS AS REGARDS PROCEDURAL SEQUENCE UNDER CONVENTION AND EFFECT ON 40-DAY TIME LIMIT.

3. FRENCH REGARD EXTRADITION AS SIMPLE TWO-STEP PROCEDURE: A REQUEST FOR PROVISIONAL ARREST (WHICH CAN BE MADE TELEGRAPHICALLY OR BY WRITTEN NOTE WITHOUT DOCUMENTARY SUPPORT); AND A FORMAL REQUEST FOR EXTRADITION ("FORMAL REQUISITION FOR SURRENDER" IS TERM USED IN CONVENTION) SUPPORTED BY DOCUMENTARY EVIDENCE, ESPECIALLY, AND AS A MINIMUM, THAT SPECIFIED IN LIMITED OFFICIAL USE

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PAGE 02 PARIS 31201 311407Z

ARTICLE III. COMPLETION OF SECOND STEP TOLLS 40-DAY

PERIOD. THIS SEEMS TO US CONSISTENT WITH PROVISION OF CONVENTION.

4. FRENCH POINT OUT THAT SUPPLEMENTARY DOCUMENTATION MAY BE REQUESTED OR OFFERED BY EITHER PARTY IN CONNECTION WITH EITHER OF TWO STEPS, PARTICULARLY THE SECOND.

5. WITH RESPECT TO INSTANT CASE, EMBASSY POINTED OUT THAT WE CONSIDERED THAT DOCUMENTS PRESENTED WITH OUR NOTE OF DECEMBER L7, L974 (THOSE TRANSMITTED WITH DEPARTMENT'S A-9L53) WERE SUFFICIENT TO TOLL 40-DAY PERIOD. HOWEVER, WE ACKNOWLEDGED THAT LANGUAGE OF OUR COVERING NOTE WAS NOT SUCH AS TO CONSTITUTE "FORMAL REQUEST FOR EXTRADITION" WHICH FRENCH CONTEND IS NEEDED TO TOLL 40-DAY PERIOD.

6 . FRENCH SUGGESTED THAT WE SEND NEW NOTE (WITH COPIES OF ENCLOSURES TO OUR NOTE OF DECEMBER L7, SINCE THEIRS HAVE BEEN SENT TO MARTINIQUE) CORRECTING EARLIER NOTE TO MAKE CLEAR WE ARE MAKING FORMAL REQUEST FOR EXTRADITION. THEY ALSO SUGGESTED THAT WE STATE WE WILL BE SENDING ALONG SOME ADDITIONAL DOCUMENTATION (WE HAD MENTIONED NEW YORK INDICTMENTS) WHICH WE THINK WILL PROVE USEFUL. IF, ON REVIEW, FRENCH AGREE THAT OUR DOCUMENTATION PRESENTED ON DECEMBER L7 IS ADEQUATE TO SUPPORT FORMAL REQUEST FOR EXTRADITION, THEY WILL SO INFORM US AND CONSIDER 40-DAY PERIOD TOLLED. THIS, OF COURSE, WOULD NOT PRECLUDE THEM FROM REQUESTING SUPPLEMENTARY EVIDENCE AS THEY HAVE OFTEN DONE IN PAST CASES.

7. FOREIGN OFFICE CONFIRMED WITH MINISTRY OF JUSTICE THAT 40-DAY PERIOD HAD COMMENCED TO RUN ON DEC. L6, AS THIS WAS DATE ON WHICH PROCUREUR IN EFFECT RE-ARRESTED DEFENDANTS PURSUANT TO OUR REQUEST FOR PURPOSES OF EXTRADITION - THE ONLY GROUNDS ON WHICH THEY ARE NOW BEING HELD. DOMPGNAC-LATOUR ADDED PROCUREUR HAS NO POWER TO RELEASE THEM IN ABSENCE OF FORMAL AUTHORIZATION FROM MINISTRY OF JUSTICE. HE DOES LIMITED OFFICIAL USE

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PAGE 03 PARIS 31201 311407Z

NOT, INCIDENTALLY, AGREE WITH HER INTERPRETATION THAT 40-DAY PERIOD IS NOT TOLLED UNTIL DOCUMENTS REACH HER. HIS OPINION, LIKE OURS, IS THAT PRESENTATION TO FOREIGN OFFICE IS DEADLINE.

8. WE RECOMMEND THAT DEPARTMENT AUTHORIZE US TO FOLLOW PROCEDURE OUTLINED IN PARAGRAPH 6 ABOVE, PRESENTING FORMAL REQUEST FOR EXTRADITION ON BASIS OF DOCUMENTATION

SUBMITTED WITH OUR NOTE OF DECEMBER L7.

RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, DRUG CONTROL, ARRESTS, COURT DECISIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974PARIS31201
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750001-0688
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974122/aaaaabcw.tel
Line Count: 117
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 DEP282699
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2002 by boyleja>; APPROVED <30 DEC 2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION - BETTANCOURT ET AL
TAGS: CPRS, PFOR, SNAR, FR, MB, (BETTANCOURT)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005